I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Donna J. Macedo
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8/17/07
(Date)

D. Macedo
(Signature of person mailing paper)

PRELIMINARY AMENDMENT

Commissioner for Patents
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First Named Inventor: Mark W. Becker
Serial Number: 10/785,497
Filed: February 24, 2004
Attorney Docket No.:249.P2
Art Group Unit: 1657
Examiner: Paul C. Martin
Title: PRODRUGS OF PHOSPHONATE NUCLEOTIDE ANALOGUES AND METHODS FOR SELECTING AND MAKING SAME

Dear Sir:

In the Office's Advisory Action mailed June 6, 2007 the examiner argues that Shaw et al. discloses the use of a "tissue". This is defined in applicants' specification to be synonymous with cells of a particular source, origin or differentiation stage. Blood plasma is not a tissue by this definition because it contains no cells. See the definitions of blood plasma obtained by Google search, submitted herewith and cited to the record. Plasma is the liquid component of blood in which the cells are suspended. It does not contain any cells, and is typically obtained by centrifuging blood treated with anticoagulants to separate the cellular and liquid components. The Shaw et al. method would not produce the results sought by applicants, i.e., a measure of tissue selectivity, because it does not teach differential distribution of the active metabolite in particular tissues. It is simply a measurement of the ability of the prodrug to enter the circulation, a measurement which does not produce any information on differential tissue distribution. There would simply be no reason to modify the Shaw et al. method to produce this result, and the examiner has not explained how Glazier would provide the motivation to do so.